



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,068	04/26/2001	Richard D. Hoffman	AUS920010138US1	8481
7590 Frank C. Nicholas CARDINAL LAW GROUP Suite 2000 1603 Orrington Avenue Evanston, IL 60201			EXAMINER CAMPBELL, JOSHUA D	
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 07/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Application Number: 09/843,068
Filing Date: April 26, 2001
Appellant(s): HOFFMAN ET AL.

JUL 02 2007

Technology Center 2100

Frank C. Nicholas
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 16, 2007, appealing from the Office action mailed August 9, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. The rejection of claims 1, 4, 7, 10, 13, and 16 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter has been withdrawn.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,286,017

EGILSSON

9-2001

Chester et al., Mastering Excel 97, 1997, Sybex, Fourth Edition, pages 737, 738, 914, and 915

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-18 remain rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The examiner can find no evidence in the specification of what the difference between metadata information and metadata objects and the defined difference between the two terms is essential to enable the claimed invention. Metadata is defined

as data for describing data, thus leading the examiner to believe metadata information is nothing more than data for describing data, due to lack of a specific definition in the specification. Metadata objects are defined by the appellants as "data for describing data objects," (page 1, lines 7-8 of Appellant's specification) however it remains unclear to the examiner what the defined difference between data and data objects is. The common meaning of data object is a unit data, or in simpler terms data, and the appellant has not set forth a more detailed definition of data object in the specification. For this reason, there seems to be no definable difference between metadata information and metadata objects, and without a defined difference of these terms the claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In order to further prosecution the examiner will interpret the metadata information and metadata objects as being data for describing data and no further weight will be given to these terms when considering the claimed limitations.

Claims 1-18 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Egilsson (US Patent Number 6,286,017, issued on September 4, 2001) in view of Chester et al. (hereinafter Chester, "Mastering Excel 97 Fourth Edition," published in 1997).

Regarding independent claim 1, Egilsson discloses displaying a spreadsheet that includes metadata information (Figure 5 and column 10, lines 50-64 and column 12,

line 34-column 14, line 65 of Egilsson). Egilsson does not disclose providing a command to trigger a conversion of the spreadsheet into a comma separated value (CSV) file. However, Chester discloses that it was common to allow the conversion of spreadsheet files into CSV files and CSV files into spreadsheets (pages 737-738, "Text Files with Delimiters" and pages 914-915, "To Save a File in a Selected Format" and "To Open a File in a Selected Format" of Chester). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Egilsson with the teachings of what is common practice in the art by Chester because it would have allowed easy import and export of files in a standard format.

Regarding dependent claim 2, Egilsson discloses parsing the spreadsheet containing metadata information to generate metadata objects (Figure 5 and column 10, lines 50-64 and column 12, line 34-column 14, line 65 of Egilsson). Egilsson does not disclose first converting it into a CSV file. However, Chester discloses that it was common to allow the conversion of spreadsheet files into CSV files and CSV files into spreadsheets (pages 737-738, "Text Files with Delimiters" and pages 914-915, "To Save a File in a Selected Format" and "To Open a File in a Selected Format" of Chester) and because of the ability to convert from CSV files to spreadsheet files and vice versa any functionality capable in a spreadsheet could be applied to a CSV file. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Egilsson with the teachings of what is common practice in the art by Chester because it would have allowed easy import and export of files in a standard format.

Regarding dependent claim 3, Egilsson discloses that a computer receives user input of metadata information and inputs it into a spreadsheet (column 3, lines 3-23 of Egilsson).

Regarding independent claim 4, Egilsson discloses displaying a spreadsheet that includes metadata information (input variables and output variables) and metadata directives (manipulation variables) (Figure 5 and column 10, lines 50-64 and column 12, line 34-column 14, line 65 of Egilsson). Egilsson does not disclose providing a command to trigger a conversion of the spreadsheet into a comma separated value (CSV) file. However, Chester discloses that it was common to allow the conversion of spreadsheet files into CSV files and CSV files into spreadsheets (pages 737-738, "Text Files with Delimiters" and pages 914-915, "To Save a File in a Selected Format" and "To Open a File in a Selected Format" of Chester). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Egilsson with the teachings of what is common practice in the art by Chester because it would have allowed easy import and export of files in a standard format.

Regarding dependent claim 5, Egilsson discloses parsing the spreadsheet containing metadata information (input variables) to generate metadata objects (resulting source code) based on metadata directives (manipulation variables) (Figure 5 and column 10, lines 50-64 and column 12, line 34-column 14, line 65 of Egilsson). Egilsson does not disclose first converting it into a CSV file. However, Chester discloses that it was common to allow the conversion of spreadsheet files into CSV files and CSV files into spreadsheets (pages 737-738, "Text Files with Delimiters" and pages

914-915, "To Save a File in a Selected Format" and "To Open a File in a Selected Format" of Chester) and because of the ability to convert from CSV files to spreadsheet files and vice versa any functionality capable in a spreadsheet could be applied to a CSV file. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Egilsson with the teachings of what is common practice in the art by Chester because it would have allowed easy import and export of files in a standard format.

Regarding dependent claim 6, Egilsson discloses that a computer receives user input of metadata information and metadata directives) and inputs it into a spreadsheet (column 3, lines 3-23 of Egilsson).

Regarding independent claim 7 and dependent claims 8 and 9, the claims incorporate substantially similar subject matter as claims 1-3. Thus, the claims are rejected along the same rationale as claims 1-3.

Regarding independent claim 10 and dependent claims 11 and 12, the claims incorporate substantially similar subject matter as claims 4-6. Thus, the claims are rejected along the same rationale as claims 4-6.

Regarding independent claim 13 and dependent claims 14 and 15, the claims incorporate substantially similar subject matter as claims 1-3. Thus, the claims are rejected along the same rationale as claims 1-3.

Regarding independent claim 16 and dependent claims 17 and 18, the claims incorporate substantially similar subject matter as claims 4-6. Thus, the claims are rejected along the same rationale as claims 4-6.

(10) Response to Argument

Regarding appellant's arguments in reference to the 35 U.S.C. 112 rejection found on pages 10 and 11, the examiner can find no evidence in the specification of what the difference is between metadata information and metadata objects, and the defined difference between the two terms is essential to enable the claimed invention. In the arguments the appellant simply provided the location in the specification where the term data object is defined, however in the rejection above the examiner already clearly states that definition. In addition to that definition the examiner explains that there is no clear differentiation between the terms metadata information and metadata objects. Metadata is defined as data for describing data, thus leading the examiner to believe metadata information is nothing more than data for describing data, due to lack of a specific definition in the specification. Metadata objects are defined by the appellants as "data for describing data objects," (page 1, lines 7-8 of Appellant's specification) however it remains unclear to the examiner what the defined difference between data and data objects is. The common meaning of data object is a unit data, or in simpler terms data, and the appellant has not set forth a more detailed definition of data object in the specification. There exists no defined difference between the terms metadata information and metadata objects, that definition being essential to enable the claimed invention. Thus, the invention is not clearly enabled by the specification due to the lack of a defined difference.

The appellant argues that the lack of a defined difference between the two terms is not relevant (page 10, final paragraph), however it is unclear to the examiner how one of ordinary skill in the art would possibly be able to make and/or use an invention if it is unclear what the terms defining the invention mean. The appellant also points to page 1, lines 7-13 and 16-23 as defining metadata objects, mainly referring to the statement, "metadata objects may refer to instances of classes persisted to a file, relational or object-oriented database or simply rows in a table in a relational database," (page 1 of the appellant's specification, lines 11-13, emphasis added) which merely gives examples of what a metadata object may be and provides no limiting definition. The appellant goes on to state, "In other words a 'data object' is a file containing data," (page 11 of the appeal brief, lines 11-12). However, lines 16-23 on page 1 of the appellant's specification directly contradicts this statement in the statement, "Data driven programs known in the art import data objects associated metadata objects from files or databases," (emphasis added) which directly points to the fact that metadata and data objects are nothing more than units of information pulled from a file or database and most definitely not files contain data. Which returns to the examiner's original interpretation that metadata objects are units of data, or in simpler terms data. The appellant has made no attempt in the appeal brief to provide a definition for metadata information, metadata information is thus defined in the broadest most reasonable interpretation. Based on the fact that the metadata information is transferable and capable of being processed, metadata information is units of data, or in simpler terms data. Thus, as it is clearly shown there exists no defined difference between the terms

metadata information and metadata objects, that definition being essential to enable the claimed invention, thus forcing the rejection due to lack of enablement.

Regarding appellant's arguments in reference to the 35 U.S.C. 103(a) rejection found on pages 12-14, the examiner maintains that rejection is proper. The appellant argues that the combination of the two references would not have been warranted because the teachings of Chester would not have assisted the teachings of Egilsson. However Egilsson states, "Central to the present invention is the definition of an indication value system which allows spreadsheet methodology to be applied to an advanced functional language. The indication value system is an extremely practical invention since it empowers the spreadsheet user to create general software applications without having to abandon the spreadsheet methodology. It thus addresses the well known challenge of end-user empowerment in the creation of software components," (emphasis added, column 1, lines 38-46 of Egilsson) while Chester teaches that importing and exporting data in CSV (a file format used as a portable representation of tabular data, i.e. database or spreadsheet) allows data to be automatically placed into a spreadsheet in a proper row/column format without user interaction (pages 737 and 738 of Chester), thus making it easier to import/export data within spreadsheet programs, this ability being imperative in the spreadsheet methodology that Egilsson strived to maintain.

In response to appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention

Art Unit: 2178

where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Chester clearly states on page 737, directly under the heading "Text Files with Delimiters," that "When a text file is delimited, importing it into Excel is easy," and that delimiters or commonly used as a format for importing data into spreadsheets, because a text file is a device independent format, thus clearly provided support for the fact that importing and exporting comma-delimited files into a spreadsheet program is notoriously well-known spreadsheet methodology but that importing and exporting data in CSV (a file format used as a portable representation of tabular data, i.e. database or spreadsheet) allows data to be automatically placed into a spreadsheet in a proper row/column format without user interaction (pages 737 and 738 of Chester).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Joshua D. Campbell

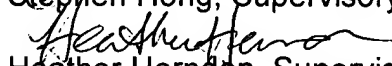


STEPHEN HONG
SUPERVISORY PATENT EXAMINER

Conferees:



Stephen Hong, Supervisory Patent Examiner for Group Art Unit 2178



Heather Herndon, Supervisory Patent Examiner for Group Art Unit 2176